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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,431	06/21/2005	Guglielmo Biagiotti	6549/PCT	2669
6858 7590 04/23/2007 BREINER & BREINER, L.L.C. P.O. BOX 19290 ALEXANDRIA, VA 22320-0290			EXAMINER DONDERO, WILLIAM E	
			ART UNIT 3654	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/537,431

Applicant(s)

BIAGIOTTI ET AL.

Examiner

William E. Dondero

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 and 30-32 is/are allowed.
- 6) ☒ Claim(s) 24-29, 33-34, 36, 38/36, 39/36, and 40-48 is/are rejected.
- 7) ☒ Claim(s) 35, 37, 38/37, and 39/37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 06/02/2005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Italy on 12/3/2002. It is noted, however, that applicant has not filed a certified copy of the FI2002A000236 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24-29 and 42-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 24, it is unclear whether the gluer in Claim 24 is the same as the gluer in Claim 1. Further it is unclear how the same gluer can place glue on the new cores and glue the free end edge of the roll. For this Office Action is presumed the gluer of Claim 24 is a different gluer than the gluer of Claim 1, as disclosed in the Specification and Drawings of the instant application.

Claim 42 recites the limitation "said gluer" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-34, 36, 38/36, 39/36, 40, 44, and 46-47 are rejected under 35

U.S.C. 102(b) as being anticipated by Perini (US-4487377). Regarding Claim 33, Perini discloses a rewinder machine for producing rolls of web material wound around winding cores comprising a first winding roller 41, a second winding roller 77, defining with the first winding roller a winding cradle, a feeder 79,80,81 for sequentially introducing winding cores 75 to the winding cradle, wherein an extractor member 82a,96 for extracting a roll formed in the winding cradle, is mechanically linked (through the connection to the same machine) to the feeder (Figures 1-16). Regarding Claim 34, Perini discloses the extractor member oscillates around an axis parallel to an axis of at least one of the first winding roller or the second winding roller (Figures 1-16).

Regarding Claim 36, Perini discloses the extractor member has a pick up surface 96 for rolls to be unloaded from the winding cradle (Figures 1-16). Regarding Claim 38/36, Perini discloses the pick up surface forms a picking cradle for the rolls (Figures 1-16). Regarding Claim 39/36, Perini discloses the pick up surface forms a rolling surface for the rolls (Figures 1-16). Regarding Claim 40, Perini discloses the pick up surface is shaped to insert itself between a roll and the second winding roller, and is substantially tangential to the second winding roller (Figures 1-16).

Regarding Claim 44, Perini discloses a method for producing rolls of web material wound around winding cores 75 comprising completing winding of a first roll in a winding cradle, upon termination of the winding of the first roll, inserting a new winding core via a feeder 79,80,81 to the winding cradle and unloading the first roll from the

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winding cradle via an extractor member 82a,96, wherein the feeder and the extractor member are controlled by a common member (inherently disclosed controller acts as the common member to control both the feeder and the extractor member to synchronize the winder to run smoothly) (Figures 1-16).

Regarding Claim 46, Perini discloses a rewinding machine for producing rolls of web material wound around winding cores 75 comprising only two winding rollers 41,77 (roller 95 is merely a diameter control roller), forming a winding cradle, on which rolls of web material are sequentially formed, wherein the web material is fed continuously to the cradle, the winding rollers are maintained in rotation during discharge of a completed roll and insertion of a new winding core (Figures 1-16). Regarding Claim 47, Perini discloses the cores and the web material are fed through a nip 76 formed between the two winding rollers (Figures 1-16).

Claim 45 is rejected under 35 U.S.C. 102(b) as being anticipated by Biagiotti (US-6050519). Biagiotti discloses a rewinder machine for producing rolls of web material wound around winding cores T comprising a first winding roller 83; a second winding roller 85, defining with the first winding roller a winding cradle; a feeder 153 for sequentially introducing winding cores to the winding cradle; a gluer 103,105 for gluing a free end edge of the rolls made by the machine, and a common actuator member (inherently disclosed controller that synchronizes all of the steps of making the rolls) which controls movement of the feeder and movement of the gluer (Figures 1-8).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Perini (US-4487377). Perini is silent about one of the first winding roller or the second winding roller having a pliable cylindrical surface. However, it is notoriously old and well known to have pliable surfaces of rollers forming nips through which cores, or other objects, pass. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the surface of one of the winding rollers of Perini's rewinding machine pliable to prevent damaging any of the cores as they passed through the nip into the winding cradle.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perini (US-4487377). Perini discloses a method for subsequently forming rolls of web material wound around winding cores 75 comprising providing a first winding roller 41 and a second winding roller 77 forming a winding cradle; continuously feeding web material to the winding cradle to form a roll L in the cradle, and contacting the roll with the two winding rollers and during formation of the roll; upon completion of the roll, discharging the roll from the cradle, inserting a new core 75 in the cradle and severing the web material without interrupting feeding of the web material (Figures 1-16). Perini discloses three rollers contacting the roll during formation. However, it is old and notoriously well known to remove parts of a machine which are unnecessary in performing the function

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of the machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to remove the third roller 95 of Perini, if the machine was operating at a very slow speed eliminating the need prevent the roll from leaving the cradle, to reduce the number of parts to the machine and therefore reducing the costs of the machine.

***Allowable Subject Matter***

Claims 1-23 and 30-32 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record when taken as a whole does not teach or render obvious the combination of Claims 1 and 31 including a feeder including at least one element for applying a glue to a winding core during introduction to a winding cradle, the element including at least one elongate member that can be immersed in a container of glue arranged beneath a zone for picking up the winding cores, the elongated member covering itself in glue in the container and transferring the glue by contact to each core sequentially picked up by the feeder.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 35, 37, 38/37, 39/37 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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